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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: Reissue Application of Dillis V. Allen
and Scott R. Longueil
INVENTORS: Dillis V. Allen and Scott R. Longueil
PATENT NO: 5,938,541
ISSUED: August 17, 1999
FOR: GOLF CLUB HEAD WITH SHORTENED HOSEL AND FERRULE
REISSUE
SERIAL NO: 09/820,568
FILED: March 29, 2001

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U.S. Commissioner of Patents
and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

AUG 09 2006

OFFICE OF PETITIONS

PETITION TO THE COMMISSIONER UNDER 37 CFR 1.181(a)
TO WITHDRAW THE HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE AN OFFICE ACTION

Honorable Sir:

This Petition asks the Commissioner to withdraw the holding of abandonment based upon applicant's failure to respond to the Office Action of February 4, 2004, setting a one month period for response, which applicant never received. Under the provisions of 37 CFR 1.181(a), no fee is believed due in this factual situation.

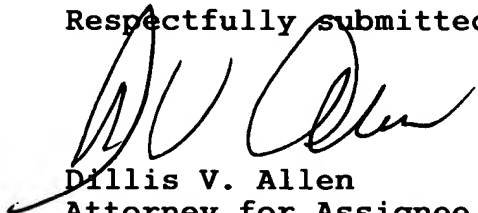
Applicant filed an Amendment on November 24, 2003, amending Claims 8 and 9 in the application. On February 4, 2004, the Examiner issued an Office Action, which was never received by applicant, maintaining that the November 24, 2003 Amendment was not fully responsive because "there should be no deleted text in the Claims and the entire text of the new Claims should be underlined." (emphasis not added)

This Office Action was never received by applicant. In factual support of this statement, applicant attaches hereto Exhibit A, which is the docket entries on pages 1 and 2 of the file wrapper, which show that the Office Action of February 4, 2004, was never entered. Furthermore, applicant submits Exhibit B attached hereto, which is the due docket entries for the month of March, 2004, bearing in mind that the Office Action of February 4, 2004 granted a one month period for response. It is believed that this is sufficient evidence to establish non-receipt of the Office Action in accordance with Delgar v. Schulyer, 172 USPQ 513(D.D.C.1971).

An Amendment accompanies this Petition and is believed fully responsive to the Office Action of February 4, 2004.

For the above reasons, it is respectfully requested that the abandonment be withdrawn based upon applicant's failure to receive the Office Action of February 4, 2004.

Respectfully submitted,



Dillis V. Allen
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.....*Petition*....., is being deposited
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.....*[Signature]*.....
Attorney

.....*January 24, 2006*.....
Date